

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BENJAMIN LEE BERENS,

Defendant.

Case No. CR21-31-RSL

ORDER GRANTING
UNOPPOSED MOTION TO
CONTINUE TRIAL AND
PRETRIAL MOTIONS DUE
DATE

This matter comes before the Court on defendant's "Unopposed Motion to Continue Trial and Pretrial Motions Deadline." (Dkt. # 19). Having considered the facts set forth in the motion, and defendant's knowing and voluntary waiver (Dkt. # 20), the Court finds as follows:

1. The Court adopts the facts set forth in the unopposed motion: in particular, given the nature of the allegations against Mr. Berens, substantial investigation and consultation with experts related to the forensic evidence in the case is necessary. Defense counsel needs additional time to research and investigate potentially dispositive pretrial motions and prepare for trial. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

2. The Court finds that a failure to grant a continuance would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

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MOTION TO CONTINUE TRIAL - 1

1 3. The Court finds that the additional time requested between the current trial date of
2 January 17, 2023, and the proposed trial date of April 24, 2023, is a reasonable period of delay.
3 The Court finds that this additional time is necessary to provide defense counsel reasonable time
4 to prepare for trial, as defendant has requested more time to prepare for trial, to continue to
5 investigate the matter, to gather evidence material to the defense, and to consider possible
6 defenses. The additional time requested between the current trial date and the new trial date is
7 necessary to provide counsel for the defendant the reasonable time necessary to prepare for trial,
8 considering all of the facts set forth above.

9 4. The Court further finds that this continuance would serve the ends of justice, and
10 that these factors outweigh the best interests of the public and defendant in a speedier trial,
11 within the meaning of 18 U.S.C. § 3161(h)(7)(A).

12 5. Defendant has signed a waiver indicating that he has been advised of his right to a
13 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived
14 that right and consented to the continuation of his trial to a date up to and including May 15,
15 2023, Dkt. # 20, which will permit his trial to start on April 24, 2023.

16 IT IS HEREBY ORDERED that the trial date shall be continued from January 17,
17 2023, to April 24, 2023, and pretrial motions are to be filed no later than March 27, 2023;

18 IT IS FURTHER ORDERED that the period of time from the current trial date of January
19 17, 2023, up to and including the new trial date, shall be excludable time pursuant to the Speedy
20 Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting
21 of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D),
22 (h)(7)(A), and (h)(7)(B).

23 DATED this 8th day of December.
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27 Robert S. Lasnik
28 United States District Judge